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Thanks to the USAID Public Policy Program, a landmark anti-discrimination law to promote equal opportunities for Afro-Colombians will be presented to the Colombian Congress on July 20, 2011. The Program provided technical support to design the “Equal Opportunities Law for Afro-Colombians” and delivered a final draft of the Law to the Ministry of Interior and Justice during Q4.

The draft law represents an important policy framework for the Government of Colombia (GOC) that will enable it to promote the inclusion and participation of Afro-Colombian ethnic minorities in Colombian society and politics.

The 2005 Census found that 10.6 percent of Colombia’s population self-identified as Afro-Colombian (4.3 million people) but according to a 2005 World Bank estimate, Afro-Colombians make up between 20 and 25 percent of the population. Although they live in regions of the country rich in natural resources, demographic indicators demonstrate that life is enormously challenging for Afro-Colombians. A Congressional Research Service Report points out that the department of Chocó has the highest percentage of Afro-Colombians (82%) but the lowest per-capita investment in health, education and infrastructure. For example, the Colombian health care system reaches just 10% of Afro-Colombian communities, in contrast to 40% of white communities. In addition, Afro-Colombians are disproportionately affected by the internal armed conflict. Human rights NGO CODHES estimates that Afro-Colombians’ displacement rate is 20% higher than the national average.

Article 13 of Colombia’s 1991 Constitution stipulates that all Colombian men and women are equal before the law and are entitled to equal protection and treatment by authorities. This provision strictly prohibits discrimination based on race, national or family origin, language or religion. It also expressly requires that the State “shall promote the conditions necessary in order that equality may be real and effective, and shall adopt measures in favor of groups which are discriminated against or marginalized.” Nevertheless, a 2008 report released by Los Andes University identified two major issues that perpetuate discrimination in Colombia: the refusal to admit the existence of racism and the invisibility of Afro-Colombians in both the government and the private sectors.

Thus, in order to foster the improvement of economic, political and social conditions of Afro-Colombians affected by conflict, the Program worked to strengthen this population’s political representation and increase participation in civic affairs. To do this, the Program assisted the Ministry of Interior and Justice to design a piece of legislation that would promote an effective public policy to encourage equal opportunities for the Afro-Colombian community.

A key element of the Program-designed draft law is its focus on increasing the meaningful political representation of the Afro-Colombian population at the national level; as of today, only 3.7% of the members of Congress (10 out of 268) are Afro-Colombian. The law also introduces sweeping affirmative action measures in the education and research sectors, as well as promotes equal opportunities in political, workplace and business arenas. In addition to stimulating social and economic development and proposing reforms on the national level, it also suggests affirmative action measures to be taken to guarantee equal access to resources and opportunities on the regional level.

To mark Afro-Colombian Day (May 21), President Juan Manuel Santos publicly announced that his administration would introduce the draft Equal Opportunities Law for Afro-Colombians. Santos stated “the country owes a debt to

its Afro-descendant population" and proclaimed that "We want Colombia to be a country free of all discrimination, and we want to guarantee equal treatment for Afro-Colombians and for all communities." The draft law is currently undergoing the prior consultation process, and once this is complete, it will advance to the Legislature when it reconvenes on July 20.

There is a long road ahead in terms of implementing the ambitious affirmative actions proposed by the draft law, but when fully executed this law will profoundly strengthen the multiethnic democratic Colombian State.